

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRAINBUILDERS LLC, and H and D,  
by their Attorney-in-Fact, ROCHEL  
SOROTZKIN,

Plaintiffs,

-v.-

EMBLEMHEALTH, INC., GROUP  
HEALTH INCORPORATED, THE CITY  
OF NEW YORK, NEW YORK CITY  
OFFICE OF LABOR RELATIONS, and  
NEW YORK CITY DEPARTMENT OF  
EDUCATION,

Defendants.

21 Civ. 4627 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On July 14, 2021, Plaintiffs filed their Second Amended Complaint in this action. (Dkt. #34). In an Order issued the same day, the Court directed Defendants to file their responses to the Second Amended Complaint on or before July 28, 2021. (Dkt. #35). Given Defendants' prior submissions of pre-motion letters in response to Plaintiffs' First Amended Complaint (see Dkt. #29, 32), the Court expected Defendants to respond to the Second Amended Complaint by filing either answers or pre-motion letters. However, Defendants the City of New York, the New York City Office of Labor Relations, and the New York City Department of Education (collectively, the "City Defendants"), instead responded by filing a motion to dismiss the Second Amended Complaint, in noncompliance with Rule 4.A of the Court's Individual Rules of Practice in Civil Cases. (See Dkt. #36). The City Defendants' motion is accordingly DENIED without prejudice due to its noncompliance with the Court's Individual Rules.

However, given that Defendants EmblemHealth, Inc. and Group Health Incorporated (the “GHI Defendants”) have separately requested a pre-motion conference (see Dkt. #37), the Court hereby CONVERTS the initial pretrial conference scheduled for **August 12, 2021, at 3:00 p.m.**, to a pre-motion conference. The Court will hear from the parties at the conference regarding both the GHI Defendants’ and the City Defendants’ anticipated motions.

Any response from Plaintiffs to the GHI Defendants’ pre-motion letter will be due on or before **August 3, 2021**. Moreover, the Court expects that Plaintiffs’ counsel will determine his ability to appear in this District, and submit any applicable *pro hac vice* motion in advance of the August 12, 2021 conference.

The Clerk of Court is directed to terminate the motions at docket entries 36 and 37.

SO ORDERED.

Dated: July 29, 2021  
New York, New York



---

KATHERINE POLK FAILLA  
United States District Judge